

• AO 120 (Rev. 2/99)

TO:	<b>Commissioner of Patents</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b> or <b>Commissioner of Trademarks</b> <b>P.O. Box 1451</b> <b>Alexandria, VA 22313-1451</b>	<b>SOLICITOR</b> <b>JUL 23 2007</b> <b>U.S. PATENT &amp; TRADEMARK OFFICE</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Colorado on the following

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
07-cv-01052-EWN-BNB	5/18/2007	FOR THE DISTRICT OF COLORADO
PLAINTIFF RAY ALLEN MANUFACTURING, LLC, ET AL.		DEFENDANT RADIOTRONICS, INC.
PATENT OR	DATE OF PATENT	HOLDER OF PATENT OR TRADEMARK
1 7,081,811		Please see copy of Complaint attached hereto
2		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1			
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3			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
<i>Notice of Dismissal</i>

CLERK	(BY) DEPUTY CLERK	DATE
GREGORY C. LANGHAM	<i>L. Lewis</i>	7-19-2007

Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 07-cv-01052-EWN-BNB

RAY ALLEN MANUFACTURING, LLC, a Delaware limited liability company,  
FWH, INC. f/k/a RAY ALLEN MANUFACTURING CO., INC., a Colorado corporation,

Plaintiffs,

v.

RADIOTRONICS, INC.,

Defendant.

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**PLAINTIFFS' NOTICE OF DISMISSAL WITHOUT PREJUDICE**

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Pursuant to Fed. R. Civ. P. 41(a), Plaintiffs Ray Allen Manufacturing, LLC and FWH, Inc., formally known as Ray Allen Manufacturing Co., Inc., (collectively, "Plaintiffs"), by and through their undersigned attorneys, hereby file this Notice of Dismissal without Prejudice. Plaintiffs represent that pursuant to Fed. R. Civ. P. 41(a), no answer or motion for summary judgment has been served upon Plaintiffs.

Plaintiffs seek voluntary dismissal without prejudice of their declaratory judgment action on the basis of a June 1, 2007 letter received from counsel for Defendant Radiotronics, Inc. ("Defendant") acknowledging that Plaintiffs' "new product," *i.e.*, the K-9 Deployment and Heat Alert System, does not employ temperature averaging, which is a key element in Defendant's U.S. Patent No. 7,081,811 (the "'811 Patent"). *See* Letter dated June 2, 2007 from Michael A. Slavin, Esq., attached hereto as **Exhibit 1**. Based on this correspondence, it is Plaintiffs' understanding that Defendant does not assert a claim for infringement of its '811 Patent against Plaintiffs for their K-9 Deployment and Heat Alert System.

Dated this 5<sup>th</sup> day of June, 2007.

Respectfully submitted,

s/ Lee F. Johnston

Lee F. Johnston

Meshach Y. Rhoades

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**ATTORNEYS FOR PLAINTIFFS RAY ALLEN  
MANUFACTURING, LLC AND FWH, INC.,  
F/K/A RAY ALLEN MANUFACTURING  
COMPANY, INC.**

**CERTIFICATE OF SERVICE**

I certify that on June 5, 2007, I served a copy of the foregoing document to the following by

- ☐ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☒ Fax

Michael A. Slavin, Esq.  
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Fax: 561-625-6572

s/ Lee F. Johnston

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**MCHALE & SLAVIN, P.A.**

ATTORNEYS AT LAW

U.S. & INTERNATIONAL PATENTS, TRADEMARKS, COPYRIGHTS,  
RELATED LICENSING & LITIGATION

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June 1, 2007

Original by U.S. Mail

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Holland & Hart LLP  
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Denver, CO 80201-8749

Re: Patent Registration No. 7,081,811  
Our Ref. No. 2369U.000004  
Civil Action No. 07-CV-01052

Dear Ms. Rhoades:

In receipt of your letter, we were quite surprised that anyone could twist an offer of a license into an allegation of infringement. Apparently Kevin Howard forgot about the inquiries he made to Radiotronics over the last couple of years raising the possibility of Ray Allen re-selling Radiotronics products, or purchasing Radiotronics itself. There is no allegation of infringement made by Radiotronics as to the "K-9 Deployment and Heat Alert System" or one that could even reasonably be implied from the letter offering a license.

Radiotronics fully understands that Ray Allen's new product does not employ temperature averaging. This lower level of protection, and a number of other perceived problems with the device, is what prompted Radiotronics to respond to Kevin Howard's inquiry and offer a license to its patented technology. Radiotronics is primarily concerned that a product not enter the market which could cause injury or death to a K-9.

We trust this letter resolves the issue, as Radiotronic's never made an accusation of infringement nor intended to imply infringement. The offer was made in hopes of preventing injury to K-9's. In any event, Radiotronic's offer of a license is hereby revoked.

We understand you will withdraw the complaint.

Sincerely,

MCHALE & SLAVIN, P.A.

  
Michael A. Slavin

cc: Radiotronics, Inc.

EXHIBIT  
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